IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Summons for Judgment No. 123 of 2007
in
Summary Suit No. 70 of 2007

Anil Karorimal Agarwal ..Plaintiff

vs.

M/s Shivom ..Defendant

Mr.Mehta i/b M/s Mehta and Co. for plaintiff.
Mr.S.J.Khera for defendants.

CORAM: S.C.DHARMADHIKARI J.
2nd July, 2007

P.C.

. Mr.Mehta appearing in support of the summons for judgment states that there are some amendments which are necessitated to the plaint on account of errors noticed by the plaintiff. In such circumstances, he seeks leave to withdraw this summons for judgment with liberty to take out fresh summons for judgment after the plaint is amended in accordance with law. Leave granted. Summons for judgment is dismissed as withdrawn with liberty as prayed for. Mr.Khera, learned Advocate appearing for the defendant states that the defendnat has filed a comprehensive reply running into 158 pages and in such circumstances costs may be awarded or appropriate orders be passed in the interest of justice.

. Since this summons for judgment has been withdrawn

after the reply is filed, while not awarding costs in the peculiar facts of this case, I direct that the affidavit in reply to the earlier summons for judgment should be retained on file and shall be treated as a substantive reply to the fresh summons for judgment in case the same is filed. Needless to state that this does not prevent the defendant from filing additional/supplementary affidavit in reply to the fresh summons for judgment, if reuqired.

(S.C.DHARMADHIKARI J.)